

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
1990 North California Boulevard, Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-Mail: ltfisher@bursor.com

BURSOR & FISHER, P.A.

Joseph I. Marchese (*Pro Hac Vice Forthcoming*)
Max S. Roberts (*Pro Hac Vice Forthcoming*)
888 Seventh Avenue
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
E-Mail: jmarchese@bursor.com
mroberts@bursor.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK YOCKEY and PEARL
MAGPAYO, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

SALESFORCE, INC.,

Defendant.

Case No. 4:22-CV-09067-JST

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE ON DEFENDANT'S
MOTION TO DISMISS AND
CONTINUING CASE MANAGEMENT
CONFERENCE [L.R. 6-1(b)]**

Hon. Jon S. Tigar

Date Action Filed: December 21, 2022
Trial Date: N/A

Pursuant to Civil Local Rule 6-1(b), Plaintiffs Patrick Yockey and Pearl Magpayo (“Plaintiffs”) and Defendant Salesforce, Inc., by and through their attorneys of record, stipulate and agree as follows:

WHEREAS, on December 21, 2022, Plaintiff Yockey filed his Complaint on December 21, 2022 (ECF No. 1);

WHEREAS, Plaintiffs filed their First Amended Complaint on March 31, 2023 (ECF No. 22);

WHEREAS, Defendant filed its Motion to Dismiss on April 24, 2023 (ECF No. 23);

WHEREAS, Plaintiffs’ response to Defendant’s Motion to Dismiss is presently due on May 8, 2023;

WHEREAS, Defendant’s reply in support of its Motion to Dismiss is presently due on May 15, 2023;

WHEREAS, the Initial Case Management Conference is scheduled for June 27, 2023 (ECF No. 21);

WHEREAS, the Parties’ counsel met and conferred and agreed to a briefing schedule on Defendant’s Motion to Dismiss and to a new date for the Initial Case Management Conference, to effectuate the parties’ agreement that “any hearing on Defendant’s motion to dismiss Plaintiffs’ Amended Complaint should occur before the Initial Case Management Conference” (ECF No. 21);

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, subject to the Court’s approval, as follows:

1. Plaintiffs’ response to Defendant’s Motion to Dismiss shall be due on May 31, 2023.
2. Defendant’s reply in support of its Motion to Dismiss shall be due on June 28, 2023.
3. The hearing on Defendant’s Motion to Dismiss shall remain on July 27, 2023 at 2:00 p.m.
4. The Initial Case Management conference shall be continued to August 1, 2023 at 2:00 p.m.

IT IS SO STIPULATED.

1 Dated: April 28, 2023

BURSOR & FISHER, P.A.

2 By: /s/ L. Timothy Fisher
3 L. Timothy Fisher (CA SBN 191626)
4 ltfisher@bursor.com
5 1990 North California Boulevard, Suite 940
6 Walnut Creek, CA 94596
7 Telephone: 925.300.4455
8 Facsimile: 925.407.2700

9 Joseph I. Marchese (*Pro Hac Vice orthcoming*)
10 jmarchese@bursor.com
11 Max S. Roberts (*Pro Hac Vice Forthcoming*)
12 mroberts@bursor.com
13 888 Seventh Avenue
14 New York, NY 10019
15 Telephone: 626.837.7150
16 Facsimile: 212.989.9163

17 Attorneys for Plaintiffs

18 Dated: April 28, 2023

MORRISON & FOERSTER LLP

19 By: /s/ Mark McPherson
20 Tiffany Cheung (CA SBN 211497)
21 TCheung@mofo.com
22 Mark David McPherson (CA SBN 307951)
23 MMcPherson@mofo.com
24 Emani N. Oakley (CA SBN 347705)
25 EOakley@mofo.com
26 MORRISON & FOERSTER LLP
27 425 Market Street
28 San Francisco, CA 94105
Telephone: 415.268.7000
Facsimile: 415.268.7522

Erik Manukyan (CA SBN 340307)
EManukyan@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Boulevard, Suite 6000
Los Angeles, CA 90017-3543
Telephone: 213.892.5200
Facsimile: 213.892.5454

Attorneys for Defendant
SALESFORCE, INC.

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ L. Timothy Fisher
L. Timothy Fisher

~~PROPOSED~~ ORDER

After reviewing the Parties' Stipulation Setting Briefing Schedule on Defendant's Motion to Dismiss and Continuing Initial Case Management Conference and good cause appearing, the Court orders as follows:

1. Plaintiffs' response to Defendant's Motion to Dismiss shall be due on May 31, 2023.
2. Defendant's reply in support of its Motion to Dismiss shall be due on June 28, 2023.
3. The hearing on Defendant's Motion to Dismiss shall remain on July 27, 2023 at 2:00 p.m.
4. The Initial Case Management conference shall be continued to ^{September 19}~~August 1~~, 2023 at 2:00 p.m.

IT IS SO ORDERED.

Dated: May 2, 2023



JON S. TIGAR
United States District Judge